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EXAMINER

PAN, YUWEN

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YONG-SUK KIM, WON-YONG YOON, KYUN-HYON
TCHAH, DOO-SEOP EOM, WON-HEE LEE,
TAE-JIN LEE, and YANG-ICK JOO

Appeal 2009-011343
Application 10/748,168
Technology Center 2600

Decided: April 30, 2010

Before NAPPI E. ROBERT, ELENi MANTIS MERCADER,
and BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1-16. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

INVENTION

Appellants' claimed invention is directed to a short-range communication system and a handoff processing method capable of preventing the lowering of throughputs even though handoffs occur in poor wireless channel environments so that the deteriorations of service quality can be prevented. (Spec. [0014]).

More particularly, when a moving mobile terminal sets up a new connection with a new Access Point (AP; in Fig. 4 (S450)), the new AP transmits an acknowledgement signal (INC-ACK) of handoff completion and link re-establishment to a microcontroller (30). Thereafter the microcontroller (30) forwards the data packets buffered in the handoff buffer to the new AP that transmitted the INC-ACK message (S460). *See generally* Spec. [0037]; Figs. 3 and 4.

Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A short-range wireless communication system, comprising:
 - a host controller interface provided with a handoff buffer for buffering at least one of Host Controller Interface (HCI) data and transmission data, and for exchanging said at least one of HCI data and transmission data with an external device;
 - a microcontroller for forwarding to a new Access Point (AP) said at least one of HCI data and transmission data buffered in the handoff buffer if a message indicating setup completion of a connection with the external device is transmitted from the new AP after a handoff occurs as the external device moves, in a state where the new AP is interlinked with the external device.

THE REJECTION

The Examiner relies upon the following as evidence of unpatentability:

Martini	US 6,675,015 B1	Jan. 6, 2004 (filed Sep. 15, 1999)
Mitts	US 5,940,371	Aug. 17, 1999

The following rejection is before us for review:

The Examiner rejected claims 1-16 under 35 U.S.C. § 103 as being unpatentable over Martini in view of Mitts.

ISSUE

The pivotal issue is whether Mitts teaches the limitation of “forwarding to a new Access Point (AP) said at least one of HCI data and transmission data buffered in the handoff buffer if a message indicating setup completion of a connection with the external device is transmitted from the new AP after a handoff occurs as the external device moves” as recited in independent claim 1 or similar limitations of independent claims 5, 9, and 13.

PRINCIPLES OF LAW

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See In re Royka*, 490 F.2d 981, 985 (CCPA 1974).

ANALYSIS

Appellants argue (App. Br. 12), *inter alia*, that Mitts recitation to “signaling data on the handover that indicate the new base station” (col. 8, ll. 25-30) does not equate to a signal indicating setup completion of a connection, but rather, a signal that indicates the new base station. Furthermore, Appellants assert (App. Br. 12) that there is no suggestion that the signal is transmitted from the new AP.

We agree with Appellants (App. Br. 12) that Mitts’ reference to “signaling data on the handover that indicate the new base station” (col. 8, ll. 25-30) is silent as to *the new AP* being the transmitter of the message regarding the setup completion as recited in all of the independent claims. We further agree with Appellants (Reply Br. 7) that the Examiner’s reliance on Mitts’s background section (col. 2, ll. 26-52) for the new base station BSq transmitting the complete message 27 indicating completion of the handover as not curing the previously cited deficiency. This is because Mitts’ background section (col. 2, ll. 26-52) also recites that the buffer data 25 are uploaded *prior to transmission of the complete message 27* which is contrary to the conditional claimed language requiring forwarding the buffered HCI data if the new AP sends the message indicating setup completion of a connection with the external device. In other words, the claim language requires that the buffered data are sent *after* the message indicating setup completion of a connection is transmitted from the new AP base—not *before* as taught by Mitts’s background section.

For the foregoing reasons, we will reverse the Examiner’s rejection of claims 1, 5, 9, and 13 and of the dependent claims 1-4, 6-8, 10-12, and 14-16.

CONCLUSION

The Examiner erred in finding that Mitts teaches the limitation of “forwarding to a new Access Point (AP) said at least one of HCI data and transmission data buffered in the handoff buffer if a message indicating setup completion of a connection with the external device is transmitted from the new AP after a handoff occurs as the external device moves.”

ORDER

The decision of the Examiner to reject claims 1-16 is reversed.

Appeal 2009-0011343
Application 10/748,168

REVERSED

ELD

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